

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re: Michelle Evonne Williams  
Debtor**

**Case No. 18-35407-KRH  
Chapter 13**

**MOTION TO VACATE DISCHARGE AND NOTICE OF HEARING**

COMES NOW Suzanne E. Wade, Chapter 13 Trustee (“the Trustee”), and moves this Court to vacate the discharge entered February 9, 2024, as follows:

1. On October 16, 2018, Debtor filed a petition for relief under Chapter 13 of Title 11 of the Bankruptcy Code.
2. Debtor’s Schedule A/B listed her residence located at 3212 Kim Drive, N. Chesterfield, Virginia 23224, as having a value of \$123,300.
3. Debtor’s Plan, as amended, was confirmed by Order entered April 10, 2019. The Plan provided that Debtor would make ongoing mortgage payments to Wells Fargo Bank, N.A. (“Wells Fargo”) whose lien was secured by Debtor’s residence.
4. Wells Fargo first obtained relief from stay on March 17, 2020. Following the Covid-19 related pause in foreclosure activity, Wells Fargo obtained relief from stay on February 14, 2022.
5. Debtor’s motion to approve a loan modification was granted by Order entered December 23, 2022.
6. On May 4, 2023, the Trustee filed a Motion to Dismiss the instant case due to Debtor’s default on the plan payments.
7. Prior to resolution of the Motion, Debtor sought a Hardship Discharge by motion filed October 31, 2023 (“the Motion”).
8. At a hearing held January 10, 2024, the Court denied the Trustee’s Motion to Dismiss without prejudice and granted the Debtor’s Motion for Hardship Discharge.
9. The Order Granting the Motion for Hardship Discharge was entered on February 9, 2024.
10. On February 15, the Trustee’s office received an email from a title company seeking the Trustee’s authorization for the Debtor to sell her residence for \$275,000.00. Attached to the email was the purchase contract dated January 16, 2024. The Trustee’s office forwarded the email to Debtor’s counsel, and informed the title company representative that it was not the Trustee, but the Court that could approve the sale and directed the representative to contact Debtor’s counsel.

**Suzanne E. Wade, Chapter 13 Trustee**  
Virginia State Bar Number 31868  
7202 Glen Forest Dr., Suite 202  
Richmond, VA 23226  
(804) 775-0979

11. The last plan payment was disbursed by the Trustee on February 22, 2024.
12. On May 8, 2024, the Trustee's office followed up with the title company to see if the sale was still pending, noting that a Motion to Sell had not been filed. The response from the title company confirmed the sale occurred but that it was after the discharge order was entered.
13. The Trustee contacted Debtor's counsel expressing concern that the Debtor may have received a large amount of proceeds from the sale of her residence shortly after the hardship discharge was entered.
14. The Trustee suggests that after Debtor filed the Motion asserting a plan modification was not feasible, and prior to the hearing on the Motion, Debtor was aware of the possibility of paying her creditors through the sale of her residence. The Motion, therefore, was no longer accurate and should have been withdrawn.

WHEREFORE, the Chapter 13 Trustee respectfully requests the Court vacate the discharge and grant such other relief the Court deems necessary.

Date: May 10, 2024

/s/ Suzanne E. Wade

Suzanne E. Wade, Chapter 13 Trustee

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2024, a true copy of the foregoing MOTION TO DISMISS WITHOUT A DISCHARGE was served electronically or by first-class mail, postage prepaid, upon the following parties:

Michelle Evonne Williams  
3212 Kim Drive  
Richmond, VA 23224

Patrick Thomas Keith, Counsel for Debtor  
Boleman Law Firm PC  
P.O. Box 11588  
Richmond, VA 23230  
[ecf@bolemanlaw.com](mailto:ecf@bolemanlaw.com)

Michelle Rene Ghidotti-Gonsalves, Counsel for U.S. Bank NA as trustee for  
RMTP Trust, Series 2021 BKM-TT  
Ghidotti Berger LLP  
1920 Old Tustin Ave.  
Santa Ana, CA 92705  
[mghidotti@ghidottilaw.com](mailto:mghidotti@ghidottilaw.com)

**Suzanne E. Wade, Chapter 13 Trustee**  
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7202 Glen Forest Dr., Suite 202  
Richmond, VA 23226  
(804) 775-0979

Mary F. Balthasar Lake, Counsel for Wells Fargo Bank, N.A.  
BWW Law Group, LLC  
8100 Three Chopt Road, Ste 240  
Richmond, VA 23229  
[Mary.Lake@bww-law.com](mailto:Mary.Lake@bww-law.com)

Andrew Todd Rich, Counsel for US Bank NA, as trustee for RMTP Trust, Series 2021 BKM-TT  
McMichael Taylor Gray  
3550 Engineering Drive, Ste 260  
Peachtree Corner, GA 30072  
[trich@mtglaw.com](mailto:trich@mtglaw.com)

Keith M. Yacko, Counsel for US Bank NA, as trustee for RMAC Trust, Series 2018 G-CTT  
McMichael Taylor Gray  
3550 Engineering Drive, Ste 260  
Peachtree Corner, GA 30072  
[kyacko@mtglaw.com](mailto:kyacko@mtglaw.com)

/s/ Suzanne E. Wade  
Suzanne E. Wade, Chapter 13 Trustee

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In re: **Michelle Evonne Williams**  
**Debtor**

**Case No. 18-35407-KRH**  
**Chapter 13**

**Address: 3212 Kim Drive**  
**Richmond, VA 23224**

**SSN: xxx-xx-4902**

**NOTICE OF MOTION AND NOTICE OF HEARING**

Suzanne E. Wade, Chapter 13 Trustee, has filed a motion with the Court requesting that your discharge be vacated.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one).**

**UNDER LOCAL BANKRUPTCY RULE 9013-1, UNLESS A WRITTEN RESPONSE IN OPPOSITION TO THIS MOTION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY WITHIN 21 DAYS OF THE SERVICE OF THIS NOTICE, THE COURT MAY DEEM ANY OPPOSITION WAIVED, AND TREAT THE MOTION AS CONCEDED.**

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within 21 days of the service of this motion, you or your attorney must:

  x   File with the Court at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Suite 4000  
Richmond, VA 23219

**Suzanne E. Wade, Chapter 13 Trustee**  
Virginia State Bar Number 31868  
7202 Glen Forest Dr., Suite 202  
Richmond, VA 23226  
(804) 775-0979

You must also mail a copy to:

Suzanne E. Wade, Chapter 13 Trustee  
7202 Glen Forest Drive, STE 202  
Richmond, VA 23226

X Attend the hearing on the Motion, scheduled to be held on **June 12, 2024 at 12:00 p.m.** at **United States Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, Virginia, 23219.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: May 10, 2024

/s/ Suzanne E. Wade

Suzanne E. Wade, Chapter 13 Trustee

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I hereby certify on May 10, 2024, a true copy of the foregoing NOTICE OF MOTION AND NOTICE OF HEARING was served electronically or by first-class mail, postage prepaid, upon the following parties:

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Richmond, VA 23224

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Michelle Rene Ghidotti-Gonsalves, Counsel for U.S. Bank NA as trustee for  
RMTP Trust, Series 2021 BKM-TT  
Ghidotti Berger LLP  
1920 Old Tustin Ave.  
Santa Ana, CA 92705  
[mghidotti@ghidottilaw.com](mailto:mghidotti@ghidottilaw.com)

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7202 Glen Forest Dr., Suite 202  
Richmond, VA 23226  
(804) 775-0979

Mary F. Balthasar Lake, Counsel for Wells Fargo Bank, N.A.  
BWW Law Group, LLC  
8100 Three Chopt Road, Ste 240  
Richmond, VA 23229  
[Mary.Lake@bww-law.com](mailto:Mary.Lake@bww-law.com)

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/s/ Suzanne E. Wade  
Suzanne E. Wade, Chapter 13 Trustee

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